

TIPTON COUNTY CIRCUIT COURT

Amended Local Civil Rule #1

[Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure]

Purpose of Rule

This rule is adopted to comply with the requirements of Trial Rule 79(H) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of special judges insuring the effective use of all judicial resources within Administrative District 5, and includes each person eligible for appointment under Section (J) of Trial Rule 79.

Central Office Established

There is established a Central Office for keeping of records of appointment and selection of special judges for this Administrative District. The Central Office of this District shall be the Wabash Circuit Court. The Administrator of the Central Office shall be appointed by the Judge of the Wabash Circuit Court.

Tipton Circuit Court shall hereafter refer to the Central Office of this District whenever selection of a special judge is required under this rule. Tipton Circuit Court shall accept from the Central Administrator the name of the individual to then be appointed as special judge.

The person serving as Administrator of the Central Office shall have the following responsibilities:

1. To maintain a list of persons qualified to serve as special judge under Section (J) of Trial Rule 79.
2. To take referrals from the several courts of this District, requesting appointment of a special judge.
3. To alternately and on a rotating basis appoint qualified judges from the list maintained for that purpose.
4. To notify the court of the individual to be appointed under this Rule.

Current Rotation Schedule

The following shall be the rotation schedule used by the Central Administrator:

- 1) The Judge of the Cass Circuit Court, currently the Honorable Julian Ridlen,
- 2) The Judge of the Cass Superior Court, currently the Honorable Douglas Cox,
- 3) The Judge of the Wabash Circuit Court, currently the Honorable Daniel Vanderpool,

- 4) The Judge of the Wabash Superior Court, currently the Honorable Michael Sposeep,
- 5) The Judge of the Fulton Circuit Court, currently the Honorable Douglas Morton,
- 6) The Judge of the Fulton Superior Court, currently the Honorable Rosemary Higgins Burke,
- 7) The Judge of the Howard Circuit Court, currently the Honorable Lynn Murray,
- 8) The Judge of the Howard Superior Court No. 1, currently the Honorable Dennis Parry,
- 9) The Judge of the Howard Superior Court No. 2, currently the Honorable Stephen Jessup,
- 10) The Judge of the Howard Superior Court No. 3, currently the Honorable Doug Tate,
- 11) The Judge of the Tipton Circuit Court, currently the Honorable Thomas R. Lett,
- 12) The Judge of the Miami Circuit Court, currently the Honorable Bruce Embrey,
- 13) The Judge of the Miami Superior Court, currently the Honorable Dan Banina,

Administration Fee

Each of the courts participating under this Rule shall pay each year the sum of Fifty Dollars (\$50) to the Central Administrator, payable directly to the Administrator by the 15th of September of each year.

Certification to Supreme Court

In cases in which no judge is eligible to serve as special judge in a particular case, or where the circumstances of a case require it, the court shall certify those circumstances to the Supreme Court, and that Court shall make the appointment.

[Effective February 1, 1997]

DANE P. NASH, Circuit Judge
36th Judicial Circuit
Tipton County, Indiana

CERTIFICATE OF SERVICE

I, Dane P. Nash, Judge of the Tipton Circuit Court, hereby certify that I served a copy of this rule by first class mail to the Clerk of the Supreme Court and Court of Appeals of Indiana pursuant to Trial Rule 81.

DANE P. NASH, Circuit Judge

TIPTON COUNTY CIRCUIT COURT

Amended Local Criminal Rule #1 (Pursuant to Indiana Rule of Criminal Procedure 2.2)

All felony and most misdemeanor cases are filed in the Tipton County Circuit Court which is the only court of general jurisdiction in the 36th Judicial Circuit.

In the event the regular presiding judge of the Tipton Circuit Court finds it necessary to recuse himself from a felony or misdemeanor proceeding due to his prior service as Tipton County Prosecutor, the case shall be assigned to one of the following judges who have agreed to serve:

The Honorable Steven R. Nation of Hamilton Superior Court I,
The Honorable David Cox, Senior Judge

Assignments shall be in consecutive order from the above list.

In the event the regular presiding judge of the Tipton Circuit Court finds it necessary to recuse himself from a felony or misdemeanor proceeding for any reason other than the regular pending judge's prior services as the Tipton County Prosecutor, the case shall be assigned to one of the following judges who have agreed to serve:

The Honorable Steven R. Nation of Hamilton Superior Court I,
The Honorable Jerry M. Barr of Hamilton Superior Court II,
The Honorable William J. Hughes of Hamilton Superior Court III,
The Honorable J. Richard Campbell of Hamilton Superior Court IV,
The Honorable Wayne A. Sturtevant of Hamilton Superior Court V,
The Honorable Judith S. Proffitt of Hamilton Circuit Court.

Assignments shall be in consecutive order from the above list.

In the event an assignment is made only to be followed by a dismissal upon the State's motion, that the same judge shall remain as the assigned judge for any charges filed against the same defendant for six (6) months subsequent to the dismissal.

In the event no judge is able to serve, or the case presents a unique set of circumstances which preclude assignment under this rule, the Indiana Supreme Court will requested to appoint a special judge for the case.

[Effective January 1, 2003]

THOMAS R. LETT, Circuit Judge
36th Judicial District
Tipton County, Indiana

CERTIFICATE OF SERVICE

I, Thomas R. Lett, Judge of the Tipton Circuit Court, hereby certify that I have served a copy of this rule by first class mail to the Clerk of the Supreme Court and Court of Appeals of Indiana pursuant to Trial Rule 81.

THOMAS R. LETT, Circuit Judge

TIPTON COUNTY CIRCUIT COURT

Local Miscellaneous Rule #1

RULE for EVIDENCE HANDLING, RETENTION, AND DISPOSITION

- I. Retention Periods for Evidence introduced in Civil Proceedings
 - A. All models, diagrams, documents, or material submitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from the termination of the appeal, retrial, or subsequent appeal, and termination, whichever is later.
 - B. The court reporter shall retain the mechanical or electronic records or tapes, shorthand, or stenographic notes as provided in Administrative Rule 7.
- II. Retention Periods in Misdemeanor, Class D and C Felonies and Attempts
 - A. All modes, diagrams, documents, or material submitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, three (3) years after the case is dismissed, the defendant is found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for three (3) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending.
 - B. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.
- III. Retention Periods in Class B and A Felonies and Murder and Attempts
 - A. All modes, diagrams, documents, or material submitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, twenty (20) years after the case is dismissed, the defendant is found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for twenty (20) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending.

- B. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

IV. Notification and Disposition

- A. In all cases, the court shall provide actual notice, by mail, to all attorneys of record and to all parties only if unrepresented by counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and parties have the duty to keep the court informed of their current addresses and notice to the last current address shall be sufficient. The court reporter shall maintain a log of retained evidence and scheduled disposition date and evidence shall be held in a secure area. At the time of removal, a detailed receipt shall be given to the court reporter by the party receiving and removing the evidence, the receipt will be made a part of the court file.
- B. In all cases, evidence which is not retaken after notice should be disposed of by the sheriff on the court's order. The sheriff should be ordered to destroy evidence if its possession is illegal or if it has negligible value. Evidence of some value should be auctioned by the sheriff with proceeds going to the county general fund.

(Effective March 1st, 2004)

THOMAS R. LETT, JUDGE
TIPTON CIRCUIT COURT

TIPTON COUNTY CIRCUIT COURT

Local Civil Rule #2

[Pursuant to Trial Rule 74 of the Indiana Rules of Trial Procedure]

Court Reporters and Procedures

Definitions:

1. A Court Reporter is a person who is specifically designated by a court to perform official court reporting services for the court including preparing a transcript of the record.
2. Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
3. Work space means the portion of the court's facilities dedicated to each Court Reporter, including but not limited to actual space in the courtroom and any designated office space.
4. Page means the page unit of a transcript which results when a recording is transcribed in the form required by Indiana Rule of appellate Procedure 7.2.
5. Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
6. Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Tipton County required work hours are 36 per week.
7. Gap hours *worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
8. Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
9. Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the years, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

10. Court means the particular court for which the court reporter performs services. Court may also mean a group of courts, i.e. County Courts.

11. County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

12. State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

13. Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

THE COURT FINDS AND ADOPTS the following:

A. A Court Reporter shall be permitted to type transcripts of official court proceedings during county-compensated hours. County equipment and supplies shall be used for the recording and/or preparation of such transcripts. If the recording or preparation of such transcripts requires overtime, such Court Reporter will be either paid overtime or given compensatory time.

1. A Court Reporter shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the court during all regular work hours, gap hours, or overtime hours.

2. The amount of the annual salary of each Court Reporter shall be set by the court subject to the approval of the Tipton County Council.

3. The annual salary paid to the court reporter shall be for a fixed schedule 36 regular working hours per week.

4. The Court Reporter shall, if requested or ordered, prepare any transcript during regular working hours.

5. In the event that preparation of a transcript could not be completed during regular working hours, a Court Reporter shall be entitled to additional compensation beyond regular salary under the two options set forth below:

(a) (1) Gap hours shall be paid in the amount equal to the hourly rate of the annual salary; and

(2) Overtime hours shall be paid in the amount of one and one-half(1 ½) times the hourly rate of the annual salary; or

(b) (1) Compensatory time off from regular work hours shall be given in the amount equal to the number of gap hours worked; and

(2) Compensatory time off from regular work hours shall be given in the amount of 1 and ½ times the number of overtime hours worked.

6. The court and each Court Reporter may freely negotiate between themselves as to which of the two options may be utilized and the court and Court Reporter shall enter into a written agreement designating the terms of such agreement.

7. A Court Reporter may charge \$3.25 per page for county and state indigent transcripts. A Court Reporter shall submit directly to the county a claim for preparation of county indigent transcripts.

B. Court Reporter may, at the request of another Official Court Reporter, agree to prepare court proceedings of another court. Such preparation shall not be done on county-compensated hours, but county equipment and supplies may be used.

C. In addition a Court Reporter may do private recording of preparation of depositions, but a Court Reporter shall not do any recording or preparation of private depositions during county-compensated hours, and County equipment and supplies shall not be used for recording or preparation of such depositions. A Court Reporter may charge a maximum of \$3.25 per page of private transcripts.

D. A Court Reporter may charge a maximum of Three Dollars and Twenty-five Cents (\$3.25) per page for a transcript prepared for a private party.

E. The Court Reporter shall report on an annual basis to the State Court Administrator all transcript fees, whether county indigent, state indigent, or private received by the Court Reporter.

F. Modification of this policy may be made to meet the security, scheduling or other unique needs of a particular case. Any modification shall be by written Order of the court.

An individual requesting modification of this policy should provide the court a factual and/or legal basis for such request and specifically set forth what items are being requested.

[Effective June 1, 1998]

DANE P. NASH, Judge
TIPTON CIRCUIT COURT

CERTIFICATE OF SERVICE

I, Dane P. Nash, Judge of the Tipton Circuit Court, hereby certify that I have served a copy of this rule by first class mail to the Clerk of the Supreme Court and Court of Appeals of Indiana pursuant of Trial Rule 81.

DANE P. NASH, CIRCUIT JUDGE

TIPTON COUNTY CIRCUIT COURT

Local Rule No: LR80-TR05-TR-1

Certification of Compliance of Pleadings with Trial Rule 5 (G)

All pleadings filed by a party shall contain a verification certifying that the pleading complies with the filing requirements of Trial Rule 5 (G) applicable to information excluded from the public record under Administration Rule 9 (G).

A certification in substantially the following language shall be sufficient:

I/We hereby certify that the foregoing document complies with the requirements of Trial Rule 5 (G) with regard to information excluded from the public record under Administrative Rule 9 (G).

(Signed by party or counsel of record)

(Effective February 1st, 2005)

THOMAS R. LETT, JUDGE
TIPTON CIRCUIT COURT